IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION II

STATE OF WASHINGTON, Respondent, v. CHRISTOPHER ALLEN HALL, Appellant.	No. 38470-1-II UNPUBLISHED OPINION

Houghton, J. — Christopher Hall appeals his conviction of first degree trafficking in stolen property, arguing that the State failed to present sufficient evidence to prove that he knew the property was stolen. He also argues the trial court erred in calculating his offender score. We affirm.[1]

FACTS

In late March or early April 2008, James Rice discovered some of his property missing. The property included three chainsaws, a Rototiller, a drill press, and two weed eaters. He searched local pawn shops and found the drill press at Uncle Sam's Pawn and Thrift. He confronted his son, Kevin, who told him that he had stolen the property and had Hall pawn the property at a number of pawn shops.

The State charged Hall with first degree trafficking in stolen property. Rice testified as

[1] A commissioner of this court initially considered Hall's appeal as a motion on the merits under RAP 18.14 and then transferred it to a panel of judges.

described above. Kevin Rice testified that on two occasions, he and Hall took items from his father's barn and took them to pawn shops. He testified that Hall pawned the items because he, Kevin, was not yet 18 years old. He testified that he did not give Hall the impression that he had his father's permission to pawn the items and instead told Hall to "hurry it up before [his father] got back home." Report of Proceedings (Oct. 13, 2008) (RP) at 42. Kevin testified that he and Hall received about $800 for the items and used the money to buy pills that they smoked. The manager of the pawn shop testified that on April 7, 2008, he bought a drill press from Hall, which was later established to belong to James Rice.

Cam Clark, an officer with the Thurston County Sheriff's Office, interviewed Hall about the items missing from James Rice's barn. After being advised of his constitutional rights and waiving them, Hall told Clark that Kevin Rice was taking the items from the barn and giving them to him, Hall, to pawn. Clark testified that Hall "didn't tell me that [the property] wasn't stolen, but he indicated that he knew that the property didn't belong to Kevin." RP at 19. Hall testified, admitting that he pawned items at Kevin Rice's request because Kevin was not yet 18 years old. He testified that at the time, he believed the items belonged to Kevin. He testified that he gave most of the money from the pawn sales to Kevin.

The jury found Hall guilty as charged and he appeals.

ANALYSIS

Hall argues that the State failed to present sufficient evidence that he knew the items were stolen property when he pawned them. He contends that because he denied having known the property was stolen and because the State did not present testimony from anyone who had told

him that the property was stolen, the State did not present sufficient evidence that he knew the property was stolen property.

Evidence is sufficient to support a conviction if any rational trier of fact could find the essential elements of the crime beyond a reasonable doubt when viewing the evidence in the light most favorable to the State. *State v. Thomas,* 150 Wn.2d 821, 874, 83 P.3d 970 (2004). An appellant claiming insufficiency of the evidence "admits the truth of the State's evidence and all inferences that reasonably can be drawn therefrom." *Thomas*, at 874 (quoting *State v. Salinas,* 119 Wn.2d 192, 201, 829 P.2d 1068 (1992)). Taken in the light most favorable to the State, Hall pawned property, including chainsaws, a Rototiller, weed eaters, and a drill press that Kevin Rice had provided him. Kevin was only 17 years old at the time. Although he did not expressly tell Hall that the property was stolen, he did tell Hall that they had to hurry in removing the items from the Rice property before his father returned home. A rational jury could infer from these facts that Hall knew that the items he pawned were stolen property. *State v. Johnson*, 119 Wn.2d 167, 174, 829 P.2d 1082 (1992). Thus, the State presented sufficient evidence that Hall trafficked in stolen property and Hall's argument fails.

Hall also argues, for the first time on appeal, that the trial court erred in calculating his offender score because he did not acknowledge the State's statement of his criminal history and because the State did not present certified copies of his prior convictions. *State v. Mendoza*, 165 Wn.2d 913, 205 P.3d 113 (2009). For sentencing proceedings conducted on or after June 12, 2008, the legislature effectively overruled *Mendoza* when it amended RCW 9.94A.500(1) to provide that "a criminal history summary relating to the defendant from the prosecuting authority

or from a state, federal, or foreign government agency shall be prima facie evidence of the existence and validity of the convictions listed therein." Laws of 2008, ch. 231, § 2. Hall's sentencing proceedings took place on October 16, 2008. The State presented sufficient evidence of Hall's prior convictions. He did not object to the State's statement of his criminal history. The trial court did not err in calculating his offender score and Hall's argument fails.

Affirmed.

A majority of the panel has determined this opinion will not be printed in the Washington Appellate Reports but it will be filed for public record pursuant to RCW 2.06.040.

Houghton, J.

We concur:

Armstrong, J.

Penoyar, A.C.J.